

**REMARKS****Summary of the Office Action**

In the Office Action, claim 4 was objected to for not further limiting the subject matter of the previous claim.

Claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,427,479 to *Glaser et al. (Glaser)* in view of U.S. Patent No. 5,118,986 to *Ohnuma et al. (Ohnuma)*.

**Summary of the Response to the Office Action**

Applicant proposes canceling claim 4, without prejudice or disclaimer, and amending claims 1, 5 and 8. Accordingly, claims 1, 2 and 5 are pending for further consideration.

**Objection to Claim 4**

Claim 4 was objected to for not further limiting the subject matter of the previous claim. Applicant proposes canceling claim 4, without prejudice or disclaimer, thus rendering moot the objection to claim 4. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 4.

**All Claims are Allowable**

In the Office Action, claims 1, 2, 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the *Glaser* in view of *Ohnuma*. Applicant traverses this rejection for the following reasons.

The Office Action asserts that *Glaser* discloses an EL device including an insulating

layer being made of a porous aluminum oxide layer. Applicant respectfully disagrees with this assertion.

In regards to independent claim 1, Applicant respectfully asserts that neither *Glaser* nor *Ohnuma* teach or suggest an organic EL device including at least a “porous aluminum oxide layer,” as recited in claim 1.

Support for these features recited in claim 1 can be found at least on page 4, lines 17-23 and page 5, lines 2-6 of the originally filed specification, and in Fig. 1 of the originally filed drawings. Specifically, as shown in Fig. 1, the present invention discloses an organic EL device 25 including a sealing member 3 for sealing a lower electrode 11, an organic EL layer 12 and an upper electrode 13. Sealing member 3 is made of an aluminum material coated with an insulating layer 4 in its inner surface. Insulating layer 4 is a porous aluminum oxide layer formed by anodic oxidation of the aluminum material.

On the contrary, *Glaser* discloses a sealing structure for a flat-panel display, including a sheet 14 made of aluminum, blanket 24, a perforated screen 25 and an insulator 26 made of aluminum oxide (see column 3, line 68 to column 4, lines 1-13, and Fig. 2 of *Glaser*). *Glaser*, however, does not teach or suggest the insulator 26 being made of porous aluminum oxide.

Likewise, contrary to the EL device recited in the claims for the present invention, *Ohnuma* discloses an EL device including anode 2, cathode 3 and an organic EL layer 5 (see Fig. 1 of *Ohnuma*). Thus, *Ohnuma* also does not teach or suggest a porous aluminum oxide layer.

Therefore, in sharp contrast to the EL device recited in the claims for the present invention, neither *Glaser* nor *Ohnuma*, taken singly or in combination, teach or suggest an organic EL device including a porous aluminum oxide layer.

As pointed out in M.P.E.P. § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art". In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Glaser* and *Ohnuma* do not teach or suggest each feature of independent claim 1.

In view of the above arguments, Applicant respectfully requests entry of the amendment to claim 1, and that the rejection of independent claim 1 under 35 U.S.C. § 103 be withdrawn. Additionally, claims 2 and 5, which depend from independent claim 1, are allowable at least because their base claim is allowable, as well as for the additional features recited therein.

Claim 5 has been amended solely to correct technical formalities.

### **Conclusion**

In view of the foregoing, Applicant respectfully requests the entry of this Amendment to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Applicant also requests the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.


Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,

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**Version With Markings to Show Changes Made**

**IN THE CLAIMS:**

Claim 4 has been canceled without prejudice or disclaimer.

Claims 1 and 5 have been amended as follows:

1.     **(Twice Amended)**     An organic EL device comprising:  
a lower electrode formed on a substrate;  
an organic EL layer formed on the lower electrode;  
an upper electrode formed on the organic EL layer;  
a sealing member for sealing said lower electrode, organic EL layer and upper electrode on said substrate so that they are covered with the sealing member, wherein said sealing member is ~~{made}~~ **further comprised** of an aluminum material ~~{coated with an insulating layer in its inner surface, said insulating layer being an}~~ **and an absorbing material,** **which is made of a porous** aluminum oxide layer formed by anodic oxidation of said aluminum material, ~~and said insulating layer being formed by a porous aluminum oxide layer which functions as an impurity absorber.~~ **on an inner surface thereof, for absorbing an impurity,**

5.     **(Amended)**     An organic EL device according to claim {3} **1**, wherein said aluminum sheet is formed in such a manner that a surface of said aluminum oxide layer is subjected to gas flow-out treatment in vacuum, and thereafter said lower electrode, organic EL layer and upper electrode are sealed on the substrate in an atmosphere of inert gas.